

KEVIN V. RYAN (CSBN 118321)  
 United States Attorney  
 EUMI L. CHOI (WVBN 0722)  
 Chief, Criminal Division  
 MARK L. KROTOSKI (CSBN 138549)  
 Assistant United States Attorney  
 150 Almaden Boulevard, Suite 900  
 San Jose, California 95113  
 Telephone: (408) 535-5035  
 Facsimile: (408) 535-5066

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

\*E-FILED - 2/8/06\*

UNITED STATES OF AMERICA,	)	No. CR 05-00734-RMW
	)	
Plaintiff,	)	
	)	STIPULATION REGARDING
v.	)	EXCLUDABLE TIME AND
	)	ORDER
STEPHEN BROWN,	)	
aka blahz, aka sab,	)	
	)	
Defendant.	)	

It is hereby stipulated and agreed between defendant Stephen Brown, and his Counsel Alan Schwartz, and the United States as follows:

This matter was set for a status conference on March 6, 2006 at 9:00 a.m. In this copyright infringement case, the defense needs more time to prepare, review discovery previously provided, including a substantial amount of digital evidence, and research legal and sentencing issues. Defense counsel needs further time to review plea and sentencing issues.

The parties stipulate and move the Court to exclude time under the Speedy Trial Act from the March 6, 2006 , until March 13, 2006, because the parties believe that the ends of justice served by the granting of such a continuance outweigh the best interests of the public and the defendant

1 in a speedy trial, particularly since reasonable time is needed for the defense to prepare for  
2 pretrial and trial matters, pursuant to 18 U.S.C. §§ 3161(h)(8)(A), 3161(h)(8)(B)(ii). The parties  
3 further stipulate that time may be excluded for reasonable time for defense  
4 preparation, since the failure to exclude time would deny counsel for the defendant reasonable  
5 time necessary for effective preparation, taking into account the exercise of due diligence,  
6 pursuant to 18 U.S.C. §§ 3161(h)(8)(A), 3161(h)(8)(B)(iv).

7 So stipulated.

8 Dated: February \_\_, 2006

KEVIN V. RYAN  
United States Attorney

10  
11 MARK L. KROTOSKI  
Assistant United States Attorney

12 So stipulated.

13 Dated: February \_\_, 2006

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15 ALAN SCHWARTZ  
Attorney for Defendant Brown

**ORDER**

Based upon the foregoing Stipulation and good cause appearing therefor,

**IT IS HEREBY ORDERED** that the status conference set for March 6, 2006 at 9:00 a.m. for defendant Brown shall be continued to March 13, 2006 at 9:00 a.m.

**IT IS FURTHER ORDERED** that the time between March 6, 2006 until and through March 13, 2006 shall be excluded from the computation period within which the trial must commence, for the reasons and based upon the statutory provisions set forth by the parties in this Stipulation, including that time is needed for effective defense preparation.. The Court finds that the ends of justice outweigh the interests of the public and the parties in a speedier trial under 18 U.S.C. §§ 3161(h)(8)(A), 3161(h)(8)(B)(ii) (complexity), 3161(h)(8)(B)(iv) (reasonable time necessary for effective preparation taking into account the exercise of due diligence).

DATED: February 8, 2006

/S/ RONALD M. WHYTE  
RONALD M. WHYTE  
United States District Judge